

**DRAFT**

MINUTES OF THE CITY COUNCIL  
OF THE  
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

5 SEPTEMBER 2006

The City Council of the City of Greensboro met in regular session at 5:30 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Michael L. Barber, T. Dianne Bellamy-Small, Sandra G. Carmany, Florence F. Gatten, Sandra Anderson Groat, Yvonne J. Johnson, Thomas M. Phillips and Goldie F. Wells. Absent: None. Also present were Mitchell Johnson, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting opened with a moment of silence and the Pledge of Allegiance to the Flag.

The Manager recognized Courtney Hemphill, employee in the Parks and Recreation Department, who served as courier for the meeting.

The Mayor explained the Council procedure for conduct of the meeting.

Mayor Holliday stated that the 30-minute timeframe at the beginning of each meeting had been implemented by Council to provide an opportunity for citizens to address the Council with regard to a variety of issues without having to wait until the end of the meeting. Noting that a large number of speakers had signed up to speak at this meeting, Mayor Holliday stated that Specialized Community Area Transportation (SCAT) users had spoken to Council at the last several meetings about their concerns. In an effort to be fair to those citizens who wished to address the Council on other issues, he asked the Council their wishes with regard to expanding the timeframe for speakers or offering suggestions with regard to an equitable procedure. Councilmember Barber suggested that Task Force recommendations might be presented which could eliminate some of the speakers. Councilmember Johnson suggested that the Mayor rotate SCAT speakers and others who wish to speak to different issues. Councilmember Phillips spoke to the purpose of the designated 30-minute timeframe for speakers from the floor at the beginning of the meeting and expressed opposition to the expansion of the allotted time. It appeared to be the consensus of Council to stagger the speakers as suggested by Councilmember Johnson and not expand the speakers' portion of the meeting.

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Dale Wyrick, Director of the Field Operations Department, and Adrena Bowman of Greensboro Beautiful, provided detailed information with regard to the *Big Sweep* program to clean litter from the community's lakes, creeks and streams; noted the increased participation in this effort by the City; outlined the process for conducting this program; and spoke to the need for volunteers; i.e., community organizations, churches, schools, etc. to participate in this year's event.

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Greg Woodard, residing at 2807 Scott Street and representing Veterans of Foreign Wars (VFW) Post 2087; and SSgt. Donald J. Gill, Sr., from Fort Bragg, NC, spoke to the conduct of an upcoming Armed Services Blood Program in Greensboro to provide blood to military personnel and their families. Mr. Woodard noted that this Post had been selected for filming to be used in a news video that would be broadcast to military bases and would bring recognition and positive attention to Greensboro.

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Brenda Cogdell, 2020 East Market Street and representing the Barnabas network, spoke to the work of the organization to address the needs of working people and invited Council to an upcoming meeting related to the organization's jobs program.

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Debra Harris, residing at 219 Gant Street, stated that she believed the SCAT pass was not affordable for riders, spoke to her personal use of the SCAT system and offered her thoughts about the service.

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Lonnie Cunningham, residing at 1007 Ashe Street, spoke to his perception that SCAT users were being treated unfairly, expressed concern that the Greensboro Transit Authority (GTA) Task Force had not met face-to-face with members of the disabled community, and requested the Mayor to have the Task Force meet with these individuals and establish an independent committee to research the proposals and make decisions.

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Larsina Johnson, residing at 2422 Lake Brandt Place, detailed her use of the SCAT service for many years and spoke to the benefits she received from this service; she stated she didn't support the 10-ride pass and believed it was unfair to eliminate the unlimited ride pass.

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John Lauder read letters for Brian Maillies and Carl Haslaip, residents of Bell House at 2400 Summit Avenue. Mr. Maillies that stated he was on limited income couldn't afford the \$72 pass; he stated that if the SCAT fares were increased, it would limit his use of the service.

Mr. Haslaip, stated that since moving to Greensboro his quality of life was better because of the SCAT system. He spoke to his use of the SCAT system for recreational purposes, stated he was on a limited income and couldn't afford the \$72 pass, and spoke in opposition to the elimination of the unlimited pass.

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Claire Holmes, residing at 1904 Colonial Avenue, offered her opinion that the unlimited SCAT pass should be maintained, provided information with regard to services offered by other municipalities, stated the rate hike would have a negative impact on SCAT riders, and expressed her opinion with respect to purported Council remarks about the use of the SCAT service. Some discussion was held with regard to the unlimited ride pass, the fact that Council had made the decision about SCAT fares, etc.

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A letter from Sherry Mailliez was read which stated that she believed a SCAT rate increase would have a negative impact on users of the system for transportation to their jobs, and she requested Council to seek alternatives to a rate increase.

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A letter was read from Andrew Blythe, residing at Bell House at 2400 Summit Avenue, which stated he believed a SCAT fare increase would negatively impact his quality of life and limit his ability to remain active in the community. He stated he couldn't afford the \$72 pass and offered his personal thoughts about treatment of the disabled community and about the management practices of Greensboro Transit Authority (GTA) and the SCAT operation.

A letter was read from Chris Fagge, residing at Bell House at 2400 Summit Avenue, which stated that he believed the unlimited ride pass should be maintained and the proposed increase in SCAT fares were wrong.

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Discussion was held between some members of Council and the above the speakers with regard to the SCAT system; i.e., the number of trips each of them made each month, what they believed to be appropriate SCAT fares and the responsibility of family members in providing assistance to family members with disabilities. Some discussion was held to clarify that only if individuals received Medicare benefits, their transportation for medical visits was covered; with regard to details about the transportation services offered to its residents by Bell House; and with regard to the varied use of the SCAT system and the need to make personal choices for the use of the system.

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After discussion, Councilmember Phillips suggested that Council proceed with the scheduled agenda items and address SCAT and the Task Force recommendations at the end of the meeting; he called for the order of the day. Council defeated the motion on a 5-4 vote.

Councilmember Gatten spoke to the recent GTA Task Force meeting, stated the Task Force continued to receive input from citizens on both sides of the issue and stated that the Task Force recommendation was as follows: "That the 10-ride pass currently priced at \$20.00 be reduced to \$15.00 and that this pass would become \$17.00 in 2008 and \$19.00 in 2009 to track with the overall fare increases passed for both fixed route and SCAT service." She offered an explanation with regard to the discount ride passes offered, the average number of SCAT trips per month, the fact that this would be a "rolling pass" that had a shelf life of one year, that this would allow SCAT clients to purchase the number of rides they needed. She thereupon moved adoption of the Task Force recommendation; the motion was seconded by Councilmember Carmany. Councilmember Gatten reiterated that the goal of the GTA was to facilitate transportation for all our citizens and that the Task Force would continue to work through this issue.

Council discussion was held with regard to the following: whether the Task Force should meet with the representatives of the disabled community in a separate forum to discuss this matter, the fact that GTA meetings are held to receive input from citizens with regard to transportation issues, actions by the former members of Council to expand the SCAT service and implement an unlimited pass which had exceeded all expectations for ridership and cost of service, the fact that Greensboro's system is locally funded with no State/Federal funds, comparison in levels of services offered in other municipalities, etc.

Councilmember Gatten's motion was adopted on the following roll call vote: Ayes: Barber, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: Bellamy-Small.

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After the introduction of a resolution honoring the memory of the late William O. "Red" Leonard, Councilmember Gatten read the resolution into the minutes.

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Councilmember Bellamy-Small left the Chamber at 6:45 p.m.

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After brief personal comments about Mr. Leonard and the introduction of his family members who were present in the Chamber, Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small (in absentia as provided for by law), Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

#### 173-06 RESOLUTION HONORING THE MEMORY OF THE LATE WILLIAM O. "RED" LEONARD

WHEREAS, on August 10, 2006, this community lost one of its outstanding community leaders with the death of the late William O. "Red" Leonard at the age of 80;

WHEREAS, Red, a native of Greensboro was a graduate of Rankin High School and Guilford College with a degree in economics;

WHEREAS, a veteran of World War II, he served in the U.S. Army in the Western Pacific theater of operations;

WHEREAS, he spent most of his working career at Cone Mills and while employed there, attended the Executive Programs of the University of Chicago and the University of Virginia before retiring in 1988;

WHEREAS, Red was also a partner in the management consulting firm of Toole, Leonard and Associates;

WHEREAS, as a business leader he served in many capacities throughout the community including, director and past chairman of the Blue Ridge Conference on Leadership, chairman of the Safety and Health Committee of the American Textile Manufacturers Institute and the N.C. Commissioner of Labor's Advisory Committee on Safety and Health, past President of the Personnel Association of the Greensboro Area and served on the Board of Visitors of the center for Creative Leadership;

WHEREAS, his community activities include serving on the Board of Directors of the Greensboro Historical Museum, the Greensboro YMCA, the Greensboro Chapter of the American Red Cross, the Guilford Technical Community College Foundation, the United Arts Council, and the Board of Visitors of Guilford College;

WHEREAS, Red was an avid golfer and past president of the Starmount Forest Country Club and also enjoyed traveling, reading, and had a special interest in the Civil War and the American Revolutionary War;

WHEREAS, he was a member of First Presbyterian Church and the Gate City Kiwanis Club;

WHEREAS, the City Council wishes to express its sense of loss and its sincere appreciation and gratitude for the many years of dedicated public service rendered by William O. "Red" Leonard, the outstanding contributions he has made to the community, and the legacy he leaves.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby expresses, on behalf of the citizens of Greensboro, a deep sense of loss and a feeling of respect and gratitude for the life of William O. "Red" Leonard.
2. That a copy of this resolution shall be delivered to the family of the late William O. "Red" Leonard as a symbol of the gratitude of the people of Greensboro for his many contributions to this community.

(Signed) Florence F. Gatten

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Councilmember Bellamy-Small re-entered the Chamber at 6:50 p.m.

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At the request of the family, Councilmember Barber moved to continue to the September 19, 2006 City Council meeting the resolution honoring the memory of the late Margaret "Maggie" Keesee-Forrester. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits (located at 4901 Lake Jeanette Road--1.01 acres); this matter was continued from the July 18, 2006 meeting of Council. He thereupon introduced so these matters could be discussed

together, an ordinance establishing original zoning classification from County Zoning Agricultural to City Zoning Conditional District—RM-12 Residential Multifamily for property located on the northwest side of Lake Jeanette Road between Roberson Comer Road and Bass Chapel Road.

Richard “Dick” Hails, Planning Department Director, presented a map and photographs to describe the subject property and surrounding area, summarized the request, and read the conditions attached to the request.

The Mayor asked if anyone wished to be heard.

Roger D. Byrd, residing at 5811 Fleming Terrace, spoke in favor of the items, explained that the City had planned a sidewalk in the area that created an encroachment problem with part of their proposed development and stated that approval of this request would address that issue.

There being no additional speakers, Councilmember Barber moved to close the public hearing. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

Mr. Hails stated that this proposal conformed with a number of comprehensive plan policies, was consistent with the moderate residential land use classification on the Generalized Future Land Use Map (GFLUM), and advised staff recommended approval.

Councilmember Johnson moved adoption of the ordinance annexing territory to the corporate limits (located at 4901 Lake Jeanette Road--1.01 acres). The motion was seconded by Councilmember Barber; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes None.

06-191 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 4901 LAKE JEANETTE ROAD – 1.01 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of May 31, 2006), said point being the easternmost corner of Gerald L. Owen, and being approximately 550 feet southwest of the southwest right-of-way line of Bass Chapel Road; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in a southwesterly direction with the northwest right-of-way line of Lake Jeanette Road approximately 331 feet to Owen’s southwest corner; thence with Owen’s west line N 02° 45’ 00” E 226.49 feet to Owen’s northwest corner; thence with Owen’s northwest line N 51° 17’ 03” E 181.26 feet to Owen’s northernmost corner; thence with Owen’s northeast line S 38° 42’ 50” E 173.50 feet to the point and place of BEGINNING, and containing approximately 1.01 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner’s expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after November 30, 2006, the liability for municipal taxes for the 2006-2007 fiscal year shall be prorated on the basis of 7/12 of the total amount of taxes that would be due for the entire fiscal year.

The due date for prorated municipal taxes shall be September 1, 2007. Municipal ad valorem taxes for the 2007-2008 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after November 30, 2006.

(Signed) Yvonne J. Johnson

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Councilmember Phillips moved adoption of the ordinance and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located on Lake Jeanette Road from County AG to City CD-RM-12, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: It is generally consistent with the Moderate Residential land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map, it promotes compact development, and it promotes mixed-income neighborhoods. The motion was seconded by Councilmember Barber; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

#### 06-192 AMENDING OFFICIAL ZONING MAP

NORTHWEST SIDE OF LAKE JEANETTE ROAD BETWEEN ROBERSON COMER ROAD AND BASS CHAPEL ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural to City Zoning Conditional District – RM-12 Residential Multifamily (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the northwestern right-of-way line of Lake Jeanette Road, said point being a common corner with The Grand at Lake Jeanette as recorded in Plat Book 6, Page 129 in the Office of the Guilford County Register of Deeds; thence along said right-of-way line S50°11'05"W 331.16 feet to a point; thence N14°25'12"E 55.59 feet to a point; thence N00°56'43"E 226.49 feet to a point; thence N49°32'56"E 181.31 feet to a point; thence S40°28'17"E 173.58 feet to the point and place of BEGINNING, containing 1.01 acres more or less.

Section 2. That the original zoning to Conditional District – RM-12 Residential Multifamily is hereby authorized subject to the following use limitations and conditions:

- 1) Uses limited to townhomes or condominiums for sale.
- 2) No structure shall exceed 3 above ground stories in height.
- 3) Maximum of 8 units.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of annexation.

(Signed) Thomas M. Phillips

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits—located at 601 and 605 Kallamdale Road—5.80 acres. He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning RS-30 Residential Single Family to City Zoning RS-7 Residential Single Family for property located on the west side of Old Randleman Road between Interstate 85 (Greensboro Urban Loop) and Blazingwood Drive.

Mr. Hails presented a map and photographs to describe the subject property and surrounding area, summarized the request, and stated the Zoning Commission had voted in favor of the original zoning. Noting the zoning for this annexation was in two parcels and that the annexation area was larger than the zoning Council was asked to approve at tonight's meeting, Mr. Hails advised the additional zoning request would be forthcoming at a future meeting.

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Mayor Holliday left the Chamber at 6:58 p.m. during Mr. Hails' presentation and passed the gavel to Mayor Pro Tem Groat.

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Mayor Pro Tem Groat asked if anyone wished to be heard.

Barry Siegal, 3411-D West Wendover Avenue, spoke in favor of the two items, spoke briefly to the proposed development and requested Council's approval.

Mayor Holliday re-entered the Chamber at 7:00 p.m. and reassumed the Chair.

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There being no additional speakers, Councilmember Barber moved to close the public hearing on these items. The motion was seconded by Councilmember Wells and adopted unanimously by voice vote of Council.

Mr. Hails stated the request was consistent with GFLUM recommendations for mixed residential use and that staff supported the requests.

Councilmember Johnson moved adoption of the ordinance annexing territory to the corporate limits—located at 601 and 605 Kallamdale Road—5.80 acres. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-193 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 601 AND 605 KALLAMDALE ROAD – 5.80 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at the Southwest corner of Lot 8 of Fieldstone Section 1 as recorded in Plat Book 124, Page 101; THENCE ALONG THE EXISTING CITY LIMITS and the southern line of said Fieldstone Section 1 South 88 degrees 47 minutes East an approximate distance of 553.31 feet to a point in the eastern margin of the right-of-way for Old Randleman Road (SR 1104), thence along the eastern right-of-way line for Old Randleman Road North 3 degrees 46 minutes 23 seconds East an approximate distance of 310 feet to a point at the intersection of the eastern right-of-way for Randleman Road (SR 1007) and the western right-of-way for Old Randleman Road; thence along the western right-of-way line for Randleman Road South 10 degrees 44 minutes 59 seconds East an approximate distance of 570 feet to a point; thence across the right-of-way for Randleman Road North 70 degrees 16 minutes 59 seconds East and approximate distance of 100 feet to a concrete monument marking the eastern right-of-way for Randleman Road; THENCE DEPARTING FROM THE EXISTING CITY LIMITS and along the eastern right-of-

way line for Randleman Road South 11 degrees East approximately 210 feet to the northern line of the property purchased by the North Carolina Department of Transportation and used for Interstate 85; thence North 75 degrees 31 minutes 59 seconds West along said northern line of the property purchased by the North Carolina Department of Transportation and used for Interstate 85 a distance of approximately 1,300 feet to a point in the southern line of Fieldstone Section 2 as recorded in Plat Book 125, Page 2; THENCE ALONG THE EXISTING CITY LIMITS and along said southern line of Fieldstone Section 2 South 88 degrees 47 minutes East a distance of 440.57 feet to the southeast corner of said Fieldstone Section 2; thence North 06 degrees 55 minutes East along the East line of said Fieldstone Section 2 a distance of 132.00 feet to the point and place of Beginning, containing 5.80 acres more or less.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after November 30, 2006, the liability for municipal taxes for the 2006-2007 fiscal year shall be prorated on the basis of 7/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2007. Municipal ad valorem taxes for the 2007-2008 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after November 30, 2006.

(Signed) Yvonne J. Johnson

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Councilmember Phillips moved adoption of the ordinance and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located west of Old Randleman Road from County RS-30 to City RS-7, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: it is generally consistent with the Mixed Use Residential and Mixed Use Commercial land use categories indicated for this site on the Connections 2025 Generalized Future Land Use Map, it promotes compact development, and it promotes mixed-income neighborhoods. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

#### 06-194 AMENDING OFFICIAL ZONING MAP

WEST SIDE OF OLD RANDLEMAN ROAD BETWEEN INTERSTATE 85 (GREENSBORO URBAN LOOP)  
AND BLAZINGWOOD DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-30 Residential Single Family to City Zoning RS-7 Residential Single Family uses for the area described as follows:



BEGINNING at the Southwest corner of Lot 8 of Fieldstone Section 1 as recorded in Plat Book 124, Page 101; THENCE ALONG THE EXISTING CITY LIMITS and the southern line of said Fieldstone Section 1 South 88 degrees 47 minutes East an approximate distance of 493.13 feet to a point in the western margin of the right-of-way of Old Randleman Road, said point also being the southeastern corner of Lot 1 of Fieldstone Section 1; THENCE DEPARTING FROM THE EXISTING CITY LIMITS and along the western right-of-way line of Old Randleman Road the following six (6) courses and distances; 1. South 05 degrees 58 minutes West a distance of 131.80 feet to a point; 2. South 07 degrees 20 minutes West a distance of 50.06 feet to a point 3. South 10 degrees 09 minutes West a distance of 49.98 feet to a point; 4. South 15 degrees 02 minutes West a distance of 49.94 feet to a point; 5. South 19 degrees 24 minutes West a distance of 50.00 feet to a point; 6. South 23 degrees 34 minutes West approximately 21.57 feet to the northern line of the property purchased by the North Carolina Department of Transportation for Interstate 85; thence North 75 degrees 31 minutes 59 seconds West along said northern line of the property purchased by the North Carolina Department of Transportation for Interstate 85 a distance of approximately 926.88 feet to a point in the southern line of Fieldstone Section 2 as recorded in Plat Book 125, Page 2; THENCE ALONG THE EXISTING CITY LIMITS and along said southern line of Fieldstone Section 2 South 88 degrees 47 minutes East a distance of 440.57 feet to the southeast corner of said Fieldstone Section 2; thence North 06 degrees 55 minutes East along the East line of said Fieldstone Section 2 a distance of 132.00 feet to the point and place of Beginning, containing 3.88 acres more or less.

Section 2. This ordinance shall be effective on the date of annexation..

(Signed) Thomas M. Phillips

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits—located at 3820 McConnell Road—27.66 acres. He thereupon introduced so these matters could be discussed together an ordinance establishing original zoning from County Zoning RM-12-MH Residential Multifamily to City Zoning Conditional District-Highway Business for property located at the southwest quadrant of Interstate 40/85 and McConnell Road.

Mr. Hails presented a map and photographs to describe the subject property and surrounding area, summarized the request, reviewed the conditions attached to the request which were designed to take out the more intensive uses, and stated the Zoning Commission had voted in favor of the original zoning.

Mayor Holliday asked if anyone wished to be heard.

Charlie Melvin, 300 North Greene Street, spoke in favor of the annexation and zonings, described the property, spoke to work with developers to prepare the proposal, noted the earlier annexation of area property and the work that had gone on since that time, and detailed the request to annex property on which a mobile home park was located that would allow the developer to enhance the entrance to the McConnell Center. He reviewed the process and legal timeframe for notification to current park residents of the cessation of the mobile home park, reviewed the manner in which residents might be assisted in relocating to other mobile home parks owned by this property owner and stated the developer would not maintain the mobile home park. Mr. Melvin stated the effective date of the annexation would be in six months and offered his opinion about the status of the mobile home park and the potential City responsibility for the property after annexation. Some discussion was held with regard to the timeframe for the official notice to residents and the purpose for annexing and zoning the property prior to the closing of the mobile home park; Mr. Melvin noted the property owner wanted to know if the property would be annexed and zoned before giving notice to residents which would result in the closing of the mobile home park. After further discussion, the City Attorney advised the Council could not put conditions on annexations and that the relocation of residents was not relevant to the zoning matter being considered by Council.

Buddy Seymour, 2311 West Cone Boulevard, spoke in favor of the items, detailed work on the property that had been annexed last year, and stated he had worked with the owner of the trailer park to purchase the property contingent on the approval of the annexation and zoning. He stated his company did not operate trailer parks and requested Council's support.

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The Mayor declared a recess at 7:28 p. m.

The meeting reconvened at 7:50 p.m. with all members of Council present.

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The following individuals spoke in opposition to the annexation and original zoning.

Eric Raines, residing at 3820 McConnell Road in the mobile home park, stated he had obtained 60 signatures purportedly in opposition to the annexation and zoning; he advised that the owner had left notes for residents that the property might be sold but there was no direct communication. Mr. Raines detailed life in the community, spoke to the cost to live in the park, and expressed concern that six months was not enough time to find another place to live. He stated that residents that owned older mobile homes that would not be accepted in another park and stated that residents would lose money and would need assistance in relocating. In response to Council inquiry, Mr. Raines stated that approx 75% of the residents owned their trailers and noted that some were long-term residents.

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Anita Ross, residing at 2820 McConnell Road, offered her personal reasons for living in a mobile home park, advised no one had talked to residents about what was going on, stated there were long-term residents in the park and expressed her concerns with regard to relocation.

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After Mariah Griffin, residing at 3820 McConnell Road questioned the type of assistance that might be provided to residents, the City Attorney advised this should not be a consideration in discussing the annexation and zonings. Ms. Griffin stated that the notices from the owner were in English and that a lot of Hispanic citizens continued to buy trailers and move into the mobile home park. She requested Council's assistance.

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Charles Ross, residing at 3820 McConnell Road, stated that people were continuing to move into the mobile home park and purchase trailers, spoke to the cost involved with moving mobile homes to another location and asked Council to give the residents the opportunity to talk about the proposal.

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Lidia Maya Ruiz, residing at 3820 McConnell Road, Lot #108, spoke to her move to the trailer park and the cost involved; she stated no information had been provided and expressed concern that some residents were unable to move to another park.

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In rebuttal in favor of the items, Mr. Melvin stated that several residents had received mailings, advised the mobile home park lots were rented on a month to month basis and offered no permanence, reiterated the developer had a contract to purchase the property which he planned to make a part of the business center and stated that, in his opinion, the human needs situations could be addressed by the owners. In response to Council inquiry, Mr. Melvin advised no one was present to represent the owner of the property.

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In rebuttal in opposition to the items, Mr. Ross spoke to the appearance of permanence because of the long term residency of some citizens in the mobile home park and the existence of an established community and friends. He reiterated the cost to move into and reside in the mobile home park.

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Councilmember Johnson moved to close the public hearing. The motion was seconded by Councilmember Wells and adopted unanimously by voice vote of Council.

Mr. Hails stated this request involved a number of issues, spoke to the Comprehensive Plan policies for mixed use corporate park, noted this was the first major park effort inside the beltline, spoke to the need to encourage economic development, reviewed concerns raised by Fire and Police Departments with regard to taking over a large residential area, spoke to the effective date of annexation, stated the request conformed with GFLUM recommendations and advised staff recommended approval.

Council discussed concerns and opinions related to the requests; i.e., the fact that the park could be closed for any number of reasons, the human component and displacement of citizens involved with this request, the proposed effective date of the annexation/zoning in six months, and the concerns expressed by Fire and Police Departments. Further discussion was held with regard to the concern that mobile homes were continuing to be sold and new residents were locating in the park, the lack of communication with residents of the park about the proposal, the owner's desire to have the annexation and zoning in place before closing the mobile home park, the fact that Council could deny the annexation and original zoning but approve the rezoning portion of the request, and the Manager's suggestion that Council might wish to wait until the mobile home park situation was brought to closure before annexing and rezoning the property .

After Councilmember Johnson moved to deny the annexation, the City Attorney offered the appropriate legal wording for the motion; Councilmember Johnson thereupon moved to deny the annexation based on the fact that the City could not serve the area with adequate police and fire services based on the report from the City Police and Fire Departments. The motion was seconded by Councilmember Bellamy-Small; the ordinance was **DEFEATED** on the following roll call vote: Ayes: Bellamy-Small, Carmany, Gatten, Holliday, Johnson, Phillips and Wells. Noes: Barber and Groat. (A copy of the annexation as introduced and **DEFEATED** is filed in Exhibit Drawer P, Exhibit Number 26, which is hereby referred to and made a part of these minutes.)

The City Attorney advised that because the annexation was defeated, the Council would not address the original zoning requests but could take action with regard to the rezoning request.

Councilmember Johnson moved adoption of the ordinance and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located on the south side of I-40/85 from County RM-12-MH and City CD-HB and CD-LI to City CD-LI to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: it is generally consistent with the Industrial/Corporate Park land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map, it continues to link City-initiated annexations and approvals of annexation petitions to water/sewer extension policies regarding designated growth areas, and it promotes a sound, sustainable pattern of land use for development at the fringe.

At the City Attorney's request, because the annexation and related original zonings were not being approved by Council, Councilmember Johnson amended her motion to eliminate the following reference to County property: "from County RM-12-MH". The motion was seconded by Councilmember Carmany; the ordinance rezoning the property was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-195 AMENDING OFFICIAL ZONING MAP

SOUTH SIDE OF INTERSTATE 40/85 BETWEEN YOUNGS MILL ROAD AND McCONNELL ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from Conditional District – Highway Business and Conditional District Light Industrial to Conditional District – Light Industrial (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point, said point being a common corner of the property now or formerly of Pleasant Hills (Tax Map #ACL-4-219C-402S-18) with the property now or formerly of Kenneth D. & Laurel M. Driver (Tax Map #ACL 4-219-402S-11) and the property now or formerly of Pierre A. Gorla and Carolyn E. Gorla (Tax Map #ACL 4-217-402N-21); thence along the eastern line of the said Pleasant Hills property and the eastern line of property now or formerly of Bobby G. Griffin (Tax Map #ACL 4-219C-402S-17), North 11°23'15" East 663.64 feet to a point at the southeastern corner of property now or formerly of James A. Byres Estate (Tax Map ACL 4-219-402S-13); thence along the eastern line of said Byres Estate property, North 17°43'15" East 241.57 feet to a point; thence along the northern line of said Byres Estate property, North 81°59'45" West 926.60 feet to a point; thence North 02°34'58" West 185.36 feet to a point; thence North 49°35'27" West 338.72 feet to a point; thence North 31°22'55" West 249.11 feet to a point in the southern margin of the right of way of Interstate 40 and 85; thence along the southern margin of the right of way of Interstate 40 and 85, North 83°16'15" East 1234.07 feet to a point; thence North 82°46'15" East 366.51 feet to a point; thence North 83°31'15" East 520.43 feet to a point, corner with property now or formerly of Larry D. Maddox & others, Deed recorded in Book 6222, Page 336, Guilford County Registry (Tax Map #ACL-4-217-402N-6); thence along the line of the Maddox & others property, South 06°57'15" West 41.77 feet to a point; thence South 01°56'15" West 786.89 feet to a point; thence North 84°28'19" East 2005.28 feet to a point in the western margin of the right of way of McConnell Road; thence along the western margin of the right of way of McConnell Road the following two courses and distances: South 23°27'19" East 540.79 feet to a point and along a curve to the left having a chord bearing and distance of South 33°11'48" East 177.30 feet to a point in the line of property now or formerly owned by Henry D. Crenshaw Heirs (Tax Map #ACL 4-217-367N-10); thence along the line of the said Crenshaw Heirs, the following two courses and distances: South 23°27'19" East 76.63 feet to a point and South 51°52'38" East 60.26 feet to a point; thence South 31°38'42" West 235.94 feet to a point; thence South 72°23'57" East 180.85 feet to a point in the southern line of property now or formerly of Harold Douglas Reynolds, Sr. (Tax Map #ACL 4-219-367S-9) at the northwestern corner of property now or formerly of Thomas D. Reynolds (Tax Map #ACL 4-219-367S-13); thence along the western line of the said Thomas Reynolds property, South 02°17'02" East 264.89 feet to a point in the northern line of property now or formerly of John Henry Watkins (Tax Map #ACL 4-219-367S-5); thence along the northern line of the said Watkins property the following three courses and distances: North 88°21'54" West 16.55 feet to a point; North 87°45'30" West 194.64 feet to a point and North 87°28'48" West 130.80 feet to a point; thence North 02°31'12" East 30.09 feet to a point; thence North 87°49'11" West 1434.77 feet to a point; thence along a curve to the left a chord distance and bearing of South 69°11'42" West 76.83 feet to a point in the northern line of property now or formerly of Richard L. Ray (Tax Map #ACL 4-219-402S-9); thence along the northern line of the said Ray property and property now or formerly of Clifton & Shirley Ray (Tax Map #ACL 4-219-402S-12), North 87°49'11" West 650.14 feet to a point, corner with the said Clifton & Shirley Ray property; thence along the western line of the said Clifton & Shirley Ray property, South 02°55'15" West 117.41 feet to a point at the northeastern corner of property now or formerly of Kenneth D. & Laurel M. Driver (Tax Map ACL #4-219-402S-11); thence along the north line of the said Driver property, North 86°39'45" West 916.11 feet to a point, the point and place of BEGINNING; containing 128.32 acres, more or less and being a portion of Tract 1 as shown on boundary drawing by Borum Wade & Associates, P.A., dated May 2, 2006, entitled "Zoning Exhibit 3820, 3828, 3834 & 3836 McConnell Road."

Section 2. That the rezoning to Conditional District – Light Industrial is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: All those uses permitted in the Corporate Park District will be permitted except the following: Accessory Uses and Structures: Recycling Collections Point; Other Uses: Automobile Parking; Christmas Tree Sales; Temporary Construction Offices, Construction Equipment Storage, Real Estate Sales or Rental Offices (the foregoing will be permitted with concurrent building permit for permanent building); Temporary Events, including but limited to: Arts and Crafts

- Shows; Carnivals and Fairs; Concerts, Stage Shows, Conventions, Trade Shows, Outdoor Religious Events; Other Accessory Uses and Structures: Junked Motor Vehicles; Transportation, Warehouse and Utilities: Land Clearing and Inert Debris Landfills, Minor.
- 2) Any outside storage shall be screened from view from any public roads or residential areas.
  - 3) That within 800 feet from the southern margin of Interstate 40/85, all of the requirements of the Scenic Corridor Overlay District II shall be met.
  - 4) There will be no connector road between Land Road and Southall Road.
  - 5) There will be no access to Land Road from the CD-LI District.
  - 6) A landscaped, planted berm, having an average height of five (5) feet, will be incorporated into the planting yard along Land Road.
  - 7) At the end of Southall Road, there will be a natural and undisturbed buffer, except for installation of utilities, approximately 300 feet (300') wide, starting at the property line at Southall and Castilian Way to the creek and 100 feet (100') on the other side of the creek.
  - 8) The property owner will cause the existing billboard to be removed without cost to the City prior to the granting of a certificate of occupancy for the first building on the property.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of approval.

(Signed) Yvonne J. Johnson

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Mayor Holliday stated that this was the time and place to consider an ordinance amending Chapter 30, Section 30-1-10, Relation to the Comprehensive Plan, to consider an amendment to the Connections 2025 Comprehensive Plan Generalized Future Land Use Map (Figure 4-2) for a portion of the property located at the southwest quadrant of East Wendover Avenue and Waugh Street from the Low Residential land use classification to the Commercial land use classification. He thereupon introduced so these matters could be discussed together an ordinance rezoning from RM-18 Residential Multifamily to Conditional District-General Business for property located at the southwest quadrant of East Wendover Avenue and Waugh Street.

Mr. Hails presented a map and photographs to describe the subject property and surrounding area, summarized the request, read the conditions attached to the request, and stated the Zoning Commission had voted in favor of the proposal.

Mayor Holliday asked if anyone wished to be heard.

Alan Ferguson, residing at 1713 Madison Avenue, spoke in support of the requests, provided historical information about the property, detailed the proposed infill development, spoke to meetings with residents of the neighborhood which were primarily the owner's family members, and requested Council's support.

There being no additional speakers, Councilmember Wells moved to close the public hearing on these items. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

Mr. Hails noted that the area was in transition, stated restrictive conditions had been added to make sure the development would be compatible with the neighborhood, and advised expectations for low residential development were unrealistic; he stated the proposed development could be positive for the area and staff recommended approval.

Councilmember Johnson moved adoption of the ordinance amending Chapter 30, Section 30-1-10, Relation to the Comprehensive Plan, to consider an amendment to the Connections 2025 Comprehensive Plan Generalized

Future Land Use Map (Figure 4-2) for a portion of the property located at the southwest quadrant of East Wendover Avenue and Waugh Street from the Low Residential land use classification to the Commercial land use classification. The motion was seconded by Councilmember Wells; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

#### 06-196 AMENDING THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN

##### AN ORDINANCE AMENDING THE GENERALIZED FUTURE LAND USE MAP OF THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN, INCORPORATED BY REFERENCE IN THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT CHAPTER 30, SECTION 30-1-10

WHEREAS, the City Council adopted the *Greensboro Connections 2025 Comprehensive Plan* on May 6, 2003 which contains a Generalized Future Land Use Map, and is labeled Figure 4-2; and

WHEREAS, an amendment to that as shown on the attached map to change the land use classification from the Low Residential to the Commercial land use classification for a portion of the property located on the southwest quadrant of East Wendover Avenue and Waugh Street; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA, that the Generalized Future Land Use Map Figure 4-2 is amended as follows:

Section 1. The Generalized Future Land Use Map Figure 4-2 is hereby amended as shown on the attached map.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 3. This ordinance shall become effective upon adoption.

(Signed) Yvonne J. Johnson

.....

Councilmember Wells moved adoption of the ordinance and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located at East Wendover Avenue and Waugh Street from RM-18 to CD=GB, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: it promotes sound investment in Greensboro's urban areas, it promotes new patterns and intensities of use to enhance quality of life in urban areas, it improves design standards for new development to enhance community appearance and it does implement measures to protect neighborhoods from potential negative impacts of developments that are inconsistent with the neighborhood's livability and reinvestment potential. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

#### 06-197 AMENDING OFFICIAL ZONING MAP

##### SOUTHWEST QUADRANT OF EAST WENDOVER AVENUE AND WAUGH STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from RM-18 Residential Multifamily to Conditional District – General Business (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the western right-of-way line of Waugh Street, said point being the northeastern corner of the property of Ricky S. Horner as recorded in Deed Book 4896, Page 2022 in the Office of the Guilford County Register of Deeds; thence N80°22'03"W 178.05 feet to a point; thence S07°18'12"W 74.65 feet to a point; thence S06°20'48"W 50.32 feet to a point; thence N80°35'04"W 157.19 feet to a point; thence N66°45'38"E 71.18 feet to a point; thence N88°41'40"W 25.56 feet to a point; thence N01°38'59"E 243.95 feet to a point in the southern right-of-way line of East Wendover Avenue; thence with said right-of-way line S89°48'05"E 454.74 feet to a point; thence S09°57'05"W 48.90 feet to a point; thence S84°45'12"E 10.39 feet to a point in the western right-of-way line of Waugh Street; thence along said western right-of-way line S09°44'25"@ 124.90 feet to a point; thence S07°26'08"W 75.00 feet to the point and place of BEGINNING.

Section 2. That the rezoning of RM-18 Residential Multifamily to Conditional District – General Business is hereby authorized subject to the following use limitations and conditions:

- 1) Any use requiring drive-through service or convenience stores with fuel pumps shall be prohibited.
- 2) Uses: Limited to all uses permitted in the LB zoning district and Auto Supply Sales.
- 3) Interior pedestrian circulation between the principal building(s) and public streets shall be provided through the use of clearly defined walkways.
- 4) Maximum of one double bay of parking shall be permitted between the principal building and street rights-of-way.
- 5) Building(s) shall be oriented toward street frontages.
- 6) No structure shall exceed 2 above ground stories in height.
- 7) Expanses of blank walls shall not exceed 30 feet in length without fenestration or architectural features.
- 8) The exterior of all structures shall be constructed primarily of brick or masonry building materials.
- 9) Freestanding signage shall be limited to monument type signage not to exceed 15 feet in height.
- 10) Outside storage of vehicles or equipment shall be prohibited.
- 11) Exterior lighting fixtures shall be a maximum of 15 feet in height.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of adoption.

(Signed) Goldie F. Wells

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Mayor Holliday recognized Joe Wilson who was present in the Chamber, and noted that Mr. Wilson's name would be added to the boards and commissions data bank later in the meeting.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30, Section 30-1-10, Relation to the Comprehensive Plan, to consider an amendment to the Connections 2025 Comprehensive Plan Generalized Future Land Use Map (Figure 4-2) for a portion of the property located on the east side of Martinsville Road and the south side of Braxton Lane from the Low Residential land use classification to the Mixed Use Commercial land use classification. He thereupon introduced so these matters could be discussed together an ordinance rezoning from RS-12 Residential Single Family to Conditional District-General Business for property located on the east side of Martinsville Road and south side of Braxton Lane.

Mr. Hails presented a map and photographs to describe the subject property and surrounding area, summarized the request, read the conditions attached to the request some of which had been added as a result of discussions between the applicant and neighbors, and stated the Zoning Commission had voted in favor of the proposal.

Mayor Holliday asked if anyone wished to be heard.

Derek Allen, attorney with offices at 230 North Elm Street and representing Lawndale Associates, LLC who had a contract to purchase the property, spoke in favor of the proposal and provided an extensive review of the request and proposed mixed development. He spoke to meetings with the neighborhood to discuss the proposal, detailed efforts and conditions added to the proposal to ensure the development was compatible with the neighborhood, and requested Council to approve the items.

Speaking briefly to the traffic study, John Davenport, Winston Salem, NC, stated the study had shown the development would have a minor impact on traffic in the area and that the level of service would remain unchanged.

Councilmember Johnson moved to close the public hearing on these items. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

Mr. Hails spoke to Comprehensive Plan and corridor study recommendations, stated the proposed development was a logical fit with the surrounding area, spoke to the many conditions added to the proposal for this transition area, noted the proposed buffer would provide significant screening for the residential properties and stated staff recommended approval.

Brief discussion was held with regard to the quality of the proposal and the work that had taken place to make it compatible with the surrounding area.

Councilmember Johnson moved to approve the Ordinance amending Chapter 30, Section 30-1-10, Relation to the Comprehensive Plan, to consider an amendment to the Connections 2025 Comprehensive Plan Generalized Future Land Use Map (Figure 4-2) for a portion of the property located on the east side of Martinsville Road and the south side of Braxton Lane from the Low Residential land use classification to the Mixed Use Commercial land use classification. The motion was seconded by Councilmember Wells; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

#### 06-198 AMENDING THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN

##### AN ORDINANCE AMENDING THE GENERALIZED FUTURE LAND USE MAP OF THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN, INCORPORATED BY REFERENCE IN THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT CHAPTER 30, SECTION 30-1-10

WHEREAS, the City Council adopted the *Greensboro Connections 2025 Comprehensive Plan* on May 6, 2003 which contains a Generalized Future Land Use Map, and is labeled Figure 4-2; and

WHEREAS, an amendment to that as shown on the attached map to change the land use classification from the Low Residential to the Mixed-Use Commercial land use classification for a portion of the property located on the east side of Martinsville Road and the south side of Braxton Lane; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA, that the Generalized Future Land Use Map Figure 4-2 is amended as follows:

Section 1. The Generalized Future Land Use Map Figure 4-2 is hereby amended as shown on the attached map.



Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 3. This ordinance shall become effective upon adoption.

(Signed) Yvonne J. Johnson

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Councilmember Phillips moved adoption of the ordinance and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located on Martinsville Road and Braxton Lane from RS-12 to CD-GB, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: it is generally consistent with the Mixed Use Commercial land use category indicated for a portion of this site on the Connections 2025 Generalized Future Land Use Map, it promotes sound investment in Greensboro's urban areas, and it promotes new patterns and intensities of use to enhance quality of life in urban areas. The motion was seconded by Councilmember Johnson;

#### 06-199 AMENDING OFFICIAL ZONING MAP

#### EAST SIDE OF MARTINSVILLE ROAD AND SOUTH SIDE OF BRAXTON LANE

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from RS-12 Residential Single Family to Conditional District – General Business (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the southern right-of-way line of Braxton Lane, said point being the northwest corner of Lot 27, Guilford County Tax Map 273, Block 2; thence along the line of said Lot 27 S05°52'W 518.03 feet to a point, said point being the southwest corner of said Lot 27; thence N85°50'W 94.05 feet to a point; thence N85°50'W 200 feet to a point in the eastern right-of-way line of Martinsville Road; thence along said eastern right-of-way line N00°29'W 511.4 feet to a point in the intersection with the southern right-of-way line of Braxton Lane; thence along said southern right-of-way line S87°10'E 221.12 feet to a point; thence continuing along said southern right-of-way line S87°10'E 129.75 feet to the point and place of BEGINNING.

Section 2. That the rezoning of RS-12 Residential Single Family to Conditional District – General Business is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: Mixed Development, as set forth in Section 30-5-2.59 of the Greensboro Development Ordinance.
- 2) Interior pedestrian circulation between the principal buildings, and between the principal buildings and public sidewalks, shall be provided through the use of clearly defined walkways. For the purposes of compliance with this condition "walkways" shall not be construed to mean "sidewalks." These walkways may be defined by painted cross-hatched areas.
- 3) All exterior lighting in the parking areas shall be directed towards the interior of the property.
- 4) There shall be a maximum of thirty eight (38) residential units. All residential units shall be "for sale" only.
- 5) There shall be a thirty (30) foot wide vegetative buffer between the subject property and the residential properties on the southern boundary, consisting of undisturbed vegetation supplemented with additional plantings. The developer shall install a six (6) foot high solid or opaque wooden fence on the northern side of this buffer. In addition, the developer shall plant six (6) foot tall (measured at the time of planting) evergreens, eight (8) feet on center, on the northern side of the wooden fence.
- 6) Facades/exterior walls shall be articulated with recesses, projections, doors or windows. No uninterrupted length of any façade shall exceed fifty (50) feet.

- 7) The property will be designed and developed in a unified manner and will incorporate similar and complementary architectural features such as masonry materials and roof materials, planting materials, signage, lighting and paving surfaces.
- 8) The exterior of the principal buildings shall be primarily brick.
- 9) All buildings shall be limited to three (3) above ground stories.
- 10) There shall be a thirty (30) foot wide vegetative buffer on a portion of the eastern boundary of the property, consisting of undisturbed vegetation supplemented with additional plantings, extending from the southern property line to a point 150 feet north of the southern property line.
- 11) No dumpster shall be located within 150 feet of the southern boundary line of the property.
- 12) The following uses shall be prohibited on the subject property: Nursing or Convalescent Homes; Psychiatric Hospitals; Automobile Repair Services (Major and Minor); Automobile Towing and Storage Services; Car Washes; Equipment Repairs; Funeral Homes or Crematoriums; Convenience Stores with Fuel Pumps; Fuel Sales; Motor Vehicle Sales (new and used); Motorcycle Sales; Recreational Vehicle Sales; and Service Stations, Gasoline.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of adoption.

(Signed) Thomas M. Phillips

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The Mayor stated that this was the time and place set for a public hearing to consider a resolution closing Fore Place from the southwestern end of a proposed city standard turnaround to its end and the 5-foot portion along its northern edge.

Mayor Holliday asked if anyone wished to be heard.

There being no one desiring to speak to this matter, Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Wells; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

**174-06 RESOLUTION CLOSING FORE PLACE FROM THE SOUTHWESTERN END OF A PROPOSED CITY STANDARD TURNAROUND TO ITS END AND THE 5-FOOT PORTION ALONG ITS NORTHERN EDGE**

WHEREAS, the owners of all of the property abutting both sides of Fore Place have requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, September 5, 2006, at 5:30 p.m., on the closing of said portion of street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owners of all of the property abutting both sides of the hereinafter mentioned portion of street have requested in writing that said portion of street be closed.

2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.

3. That the following portion of street is hereby permanently closed and abandoned as a public street:

**FORE PLACE FROM THE SOUTHWESTERN END OF A PROPOSED CITY STANDARD  
TURNAROUND TO ITS END AND THE 5-FOOT PORTION ALONG ITS NORTHERN EDGE**

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Sandy Carmany

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The Mayor stated that this was the time and place set for a public hearing to consider a resolution closing a portion of the unnamed alley located north of West Washington Street, running from 75 feet west of Blandwood Avenue westward to its end, a distance of approximately 53 feet.

Mayor Holliday asked if anyone wished to be heard.

There being no one desiring to speak to this matter, Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

**172-06 RESOLUTION CLOSING A PORTION OF THE UNNAMED ALLEY LOCATED NORTH OF WEST WASHINGTON STREET, RUNNING FROM 75 FEET WEST OF BLANDWOOD AVENUE WESTWARD TO ITS END, A DISTANCE OF APPROXIMATELY 53 FEET**

WHEREAS, the owners of all of the property abutting both sides of a portion of the unnamed alley have requested in writing that said alley be closed to the general public and the City's interest therein released;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in Melvin Municipal Office Building on Tuesday, September 5, 2006, at 5:30 p.m. on the closing of said alley;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:**

1. That the City Council hereby finds as a fact that the owners of all of the property abutting both sides of the hereinafter mentioned alley have requested in writing that said alley be closed to the general public and the City's interest therein released;

2. That the City Council hereby finds as a fact that the closing of the alley to the general public is not contrary to the public interest and that no individual or other party owning property in the vicinity of the alley or in the subdivision in which the alley is located will be deprived of reasonable means of ingress or egress to his or its property;

3. That the following alley is hereby permanently closed to the general public and the City's interest therein released:

A PORTION OF THE UNNAMED ALLEY LOCATED NORTH OF WEST WASHINGTON STREET, RUNNING FROM 75 FEET WEST OF BLANDWOOD AVENUE WESTWARD TO ITS END, A DISTANCE OF APPROXIMATELY 53 FEET

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned alley until such time as said line is no longer required by the City.

(Signed) Florence F. Gatten

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The Mayor stated that this was the time and place set for a public hearing to consider a resolution confirming assessment roll for roadway paving improvements on Henry Street from existing pavement to dead end.

Mayor Holliday asked if anyone wished to be heard.

There being no one desiring to speak to this matter, Councilmember Wells moved adoption of the resolution. The motion was seconded by Councilmember Gatten; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

#### H-217 RESOLUTION CONFIRMING ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS

##### HENRY STREET FROM EXISTING PAVEMENT TO DEAD END

WHEREAS, on the 21st day of August, 2001, the City Council of the City of Greensboro adopted a resolution ordering the making on the street or streets hereinabove set out of the following improvements:

Roadway Paving Improvements. The street or streets hereinabove named within the limits defined to be paved a maximum of 30 feet in width with stone base asphaltic concrete surface, the paving to include grading, construction of storm sewers, and necessary laterals, laying of concrete curbs and gutter, and all other work incidental to the paving.

AND, WHEREAS, the improvements have now been completed, and the City Council has ascertained the total cost thereof and the amount that should be assessed against each lot abutting on the improvements on account of the improvements and has caused to be prepared a general plan map of the improvements, on which map is shown the frontage and location of each lot on the street or streets improved, together with the owners thereof, as far as the same can be ascertained, the plan map being marked:

##### HENRY STREET FROM EXISTING PAVEMENT TO DEAD END

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the total cost of the improvements is hereby designated to be the amount shown thereof on said general plan map.

2. That the City Council finds as a fact that each lot abutting on the improvements has been specially benefited by the improvements in the amount assessed against such lot as shown by the preliminary assessment roll.

3. That the general plan map is hereby confirmed at 5:30 p.m., on the 5th day of September, 2006, and is hereby made the final assessment roll for the improvements.

4. That the City Clerk is hereby directed to enter on the minutes of this council and the assessment roll the date, hour and minute of the confirmation thereof and to deliver a copy of the assessment roll to the City Tax Collector.

5. That, after the expiration of 20 days from this date, the City Clerk shall cause to be published one time in some newspaper published in the city a notice that any assessments contained in the assessment roll may be paid in full to the City Tax Collector without interest thereon at any time before the expiration of 30 days.

6. That, if the owners of the lots against which the assessments have been made do not exercise their option to pay the same in cash as hereinabove provided, then the same shall be payable in ten equal installments as provided in the original resolution ordering the making of the improvements, such installments to bear interest at the rate of six percent per annum from this date.

7. That the first of the installments with interest thereon shall become due and payable on the first day of September next following the date that payments may be made without interest. One subsequent installment with interest thereon shall be due and payable on the first day of September of each successive year until the assessments have been paid in full.

(Signed) Goldie F. Wells

.....

The Mayor stated that this was the time and place set for a public hearing to consider a resolution confirming assessment roll for water main improvements-a 6-inch water main to be installed in Henry Street from approximately 665 feet north of the intersection of Henry Street and Charles Street to approximately 785 feet north of the intersection of Henry Street and Charles Street.

Mayor Holliday asked if anyone wished to be heard.

There being no one desiring to speak to this matter, Councilmember Phillips moved adoption of the resolution. The motion was seconded by Councilmember Gatten; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

#### H-218 RESOLUTION CONFIRMING ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS

HENRY STREET FROM APPROXIMATELY 665 FEET NORTH OF THE INTERSECTION OF HENRY STREET AND CHARLES STREET TO APPROXIMATELY 785 FEET NORTH OF THE INTERSECTION OF HENRY STREET AND CHARLES STREET

WHEREAS, on the 1st day of April, 2003, the City Council of the City of Greensboro adopted a resolution ordering the making on the street or streets hereinabove set out of the following improvements:

Water Main Improvements. That a water main be laid on the street or streets hereinabove named within the limits defined, and that necessary laterals (including sewer laterals where none exist and sewer main has been installed) be laid for the proper connection of abutting property.

AND, WHEREAS, the improvements have now been completed, and the City Council has ascertained the total cost thereof and the amount that should be assessed against each lot abutting on the improvements on account of the improvements and has caused to be prepared a general plan map of the improvements, on which map is shown the frontage and location of each lot on the street or streets improved, together with the owners thereof, as far as the same can be ascertained, the plan map being marked:

A 6" WATER MAIN TO BE INSTALLED IN HENRY STREET FROM APPROXIMATELY 665' NORTH OF THE INTERSECTION OF HENRY STREET AND CHARLES STREET TO

APPROXIMATELY 785' NORTH OF THE INTERSECTION OF HENRY STREET AND CHARLES STREET

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the total cost of the improvements is hereby designated to be the amount shown thereof on said general plan map.
2. That the City Council finds as a fact that each lot abutting on the improvements has been specially benefited by the improvements in the amount assessed against such lot as shown by the preliminary assessment roll.
3. That the general plan map is hereby confirmed at 5:30 p.m., on the 5th day of September, 2006, and is hereby made the final assessment roll for the improvements.
4. That the City Clerk is hereby directed to enter on the minutes of this council and the assessment roll the date, hour and minute of the confirmation thereof and to deliver a copy of the assessment roll to the City Tax Collector.
5. That, after the expiration of 20 days from this date, the City Clerk shall cause to be published one time in some newspaper published in the city a notice that any assessments contained in the assessment roll may be paid in full to the City Tax Collector without interest thereon at any time before the expiration of 30 days.
6. That, if the owners of the lots against which the assessments have been made do not exercise their option to pay the same in cash as hereinabove provided, then the same shall be payable in ten equal installments as provided in the original resolution ordering the making of the improvements, such installments to bear interest at the rate of six percent per annum from this date.
7. That the first of the installments with interest thereon shall become due and payable on the first day of September next following the date that payments may be made without interest. One subsequent installment with interest thereon shall be due and payable on the first day of September of each successive year until the assessments have been paid in full.

(Signed) Thomas M. Phillips

.....

The Mayor stated that this was the time and place set for a public hearing to consider a resolution confirming assessment roll for roadway paving and sanitary sewer improvements on Aloe Road from Nile Road to Sims Road.

Mayor Holliday asked if anyone wished to be heard.

There being no one desiring to speak to this matter, Councilmember Wells moved adoption of the resolution. The motion was seconded by Councilmember Gatten; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

#### A-111 RESOLUTION CONFIRMING ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS

##### ALOE ROAD FROM NILE ROAD TO SIMS ROAD

WHEREAS, on the 3rd day of October, 2000, the City Council of the City of Greensboro adopted a resolution ordering the making on the street or streets hereinabove set out of the following improvements:

Roadway Paving Improvements. The street or streets hereinabove named within the limits defined to be paved a maximum of 30 feet in width with stone base asphaltic concrete surface, the paving to include grading, construction of storm sewers, and necessary laterals, laying of concrete curbs and gutter, and all other work incidental to the paving.

Sanitary Sewer Improvements. That a sanitary sewer main of 8-inch size be laid on the street or streets hereinabove named within the limits defined, and that necessary laterals (including water laterals where none exist and water main has been installed) be laid for the proper connection of abutting property.

AND, WHEREAS, the improvements have now been completed, and the City Council has ascertained the total cost thereof and the amount that should be assessed against each lot abutting on the improvements on account of the improvements and has caused to be prepared a general plan map of the improvements, on which map is shown the frontage and location of each lot on the street or streets improved, together with the owners thereof, as far as the same can be ascertained, the plan map being marked:

ALOE ROAD FROM NILE ROAD TO SIMS ROAD

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the total cost of the improvements is hereby designated to be the amount shown thereof on said general plan map.
2. That the City Council finds as a fact that each lot abutting on the improvements has been specially benefited by the improvements in the amount assessed against such lot as shown by the preliminary assessment roll.
3. That the general plan map is hereby confirmed at 5:30 p.m., on the 5th day of September, 2006, and is hereby made the final assessment roll for the improvements.
4. That the City Clerk is hereby directed to enter on the minutes of this council and the assessment roll the date, hour and minute of the confirmation thereof and to deliver a copy of the assessment roll to the City Tax Collector.
5. That, after the expiration of 20 days from this date, the City Clerk shall cause to be published one time in some newspaper published in the city a notice that any assessments contained in the assessment roll may be paid in full to the City Tax Collector without interest thereon at any time before the expiration of 30 days.
6. That, if the owners of the lots against which the assessments have been made do not exercise their option to pay the same in cash as hereinabove provided, then the same shall be payable in ten equal installments as provided in the original resolution ordering the making of the improvements, such installments to bear interest at the rate of six percent per annum from this date.
7. That the first of the installments with interest thereon shall become due and payable on the first day of September next following the date that payments may be made without interest. One subsequent installment with interest thereon shall be due and payable on the first day of September of each successive year until the assessments have been paid in full.

(Signed) Goldie F. Wells

.....

Councilmember Gatten moved adoption of the ordinances, resolutions and motions listed on the Consent Agenda. The motion was seconded by Councilmember Phillips; the Consent Agenda was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-200 ORDINANCE AMENDING THE FY 2006-2007 FEDERAL, STATE AND OTHER GRANTS PROJECT FUND BUDGET FOR THE FAIR HOUSING ASSISTANCE PROGRAM

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 2006-2007 Federal, State and Other Grants Project Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Federal, State, and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-0354-01.5561	Seminar/Training Expense	<u>\$17,900</u>
Total:		\$17,900

and, that this increase be financed by increasing the following FY 2006-2007 Federal, State and Other Grants Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-0354-01.7100	Federal Grant	<u>\$17,900</u>
Total:		\$17,900

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Florence F. Gatten

.....

06-201 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF FEDERAL FORFEITURE FUNDS FOR THE PURCHASE OF COMPUTER EQUIPMENT, SOFTWARE AND TRAINING TO ENHANCE THE POLICE DEPARTMENT'S COMPUTER FORENSICS LAB

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal and other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3520-01.5212	Computer Software	\$21,000
220-3520-01.5235	Small Tools and Equipment	\$14,800
220-3520-01.5520	Training / Seminars Expense	\$15,000
220-3520-01.5949	Miscellaneous	\$23,600
220-3520-01.6053	Personal Computers	\$32,000
220-3520-01.6059	Other Capital Equipment	<u>\$10,000</u>
TOTAL:		\$116,400



And, that this increase be financed by increasing the following State, Federal, and Other Grants Funds accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3520-01.7104	Federal Forfeiture funds	<u>\$116,400</u>
TOTAL:		\$116,400

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Florence F. Gatten

.....

06-202 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF FEDERAL FORFEITURE FUNDS FOR A SECURITY FENCE AT THE POLICE DEPARTMENT'S EVIDENCE STORAGE FACILITY

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal and other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3516-01.6059	Other Capital Equipment	<u>\$45,500</u>
TOTAL:		\$45,500

And, that this increase be financed by increasing the following State, Federal, and Other Grants Funds accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3516-01.7104	Federal Forfeiture Funds	<u>\$45,500</u>
TOTAL:		\$45,500

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Florence F. Gatten

.....

06-203 ORDINANCE AMENDING THE FY 2006-07 BRYAN PARK ENTERPRISE AND GENERAL FUNDS TO TRANSFER APPROPRIATIONS FROM THE BRYAN PARK ENTERPRISE FUND TO THE GENERAL FUND TO TRANSFER GOLF COURSE FUNDS

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 2006-07 Bryan Park Enterprise Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the FY 2006-07 Bryan Park Enterprise Fund be **decreased** as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
531-5053-03.4000	Salaries & Benefits	\$ 44,146
531-5053-03.5000	Maintenance & Operations	<u>244,839</u>
TOTAL:		\$288,985

and, that this **decrease** be financed by decreasing the following FY 2006-07 Bryan Park Enterprise Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
531-5053-03.7765	Maintenance Services	\$ 47,780
531-5053-03.7803	Rent - Other	1
531-0000-00.8910	Appr. Fund Balance – Encumbrances	1,569
531-0000-00.9101	Transfer from General Fund	<u>239,635</u>
TOTAL:		\$288,985

## Section 2

That the FY 2006-07 General Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the FY 2006-07 General Fund be **increased** as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-5053-03.4000	Salaries & Benefits	\$ 44,146
101-5053-03.5000	Maintenance & Operations	244,839
101-9590-01.6531	Transfer to Bryan Park Enterprise Fund	<u>(239,635)</u>
TOTAL:		\$ 49,350

and, that this **increase** be financed by increasing the following FY 2006-07 General Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-5053-03.7765	Maintenance Services	\$ 47,780
101-5053-03.7803	Rent - Other	1
101-0000-00.8910	Appr. Fund Balance - Encumbrances	<u>1,569</u>
TOTAL:		\$ 49,350

## Section 3

That this ordinance should become effective upon adoption.

(Signed) Florence F. Gatten

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## 176-06 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING PURCHASE OF PROPERTY OF JOHN C. AND BERNICE E. HIGGINBOTHAM ADJOINING TANNENBAUM PARK

WHEREAS, the Parks and Recreation Department would like to enhance and add to Tannenbaum Park and the property owned by John C. and Bernice E. Higginbotham, Tax Map No. 345-4-26 is required by the City for the enhancement, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$164,000.00, which appraisal, in the opinion of the City Council, is fair and reasonable;

WHEREAS, it has been agreed that the Higginbothams will be allowed to occupy the property rent free, jointly of singularly as long as they desire;

WHEREAS, the owner has agreed to convey said property to the City at the appraised price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appraisal of the above mentioned portion of property in the amount of \$164,000.00 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from Account No. 410-5008-07.6011 Activity #06156.

(Signed) Florence F. Gatten

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177-06 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING PURCHASE OF PROPERTY OF PERMUS, LLC AND BUSKERS LTD, LLC FOR THE BATTLEGROUND RAIL TRAIL PROJECT

WHEREAS, in connection with the Battleground Rail Trail project, the property owned by Permus, LLC and Buskers Ltd, LLC, Tax Map Nos. 273-5-7 and 17 are required by the City for the project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$45,911.38, which appraisal, in the opinion of the City Council, is fair and reasonable;

WHEREAS, the owner has agreed to convey said property to the City at the appraised price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appraisal of the above mentioned portion of property in the amount of \$45,911.38 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from Account No. 441-6004-02.6012 Activity #02042.

(Signed) Florence F. Gatten

.....

178-06 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING PURCHASE OF PROPERTY OF MORGAN PLACE ASSOCIATION FOR THE LAKE JEANETTE ROAD WIDENING PROJECT

WHEREAS, in connection with the Lake Jeanette Road Widening project, the property owned by Morgan Place Association, Tax Map No. 596-1-29 is required by the City for the project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$28,462.00, which appraisal, in the opinion of the City Council, is fair and reasonable;

WHEREAS, the owner has agreed to convey said property to the City at the appraised price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appraisal of the above mentioned portion of property in the amount of \$28,462.00 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from Account No. 441-6003-10.6012 Activity #01067.

(Signed) Florence F. Gatten

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179-06 RESOLUTION AUTHORIZING AND APPROVING CONVEYANCE OF PROPERTY LOCATED AT 303 McADOO AVENUE TO CITYVIEW APARTMENTS, LLC

WHEREAS, the City of Greensboro owns residual property located at 303 McAdoo Avenue at Tax Map Number 29-3-1, said property being shown on the attached map, for which the City has no governmental or other public need;

WHEREAS, Cityview Apartments, LLC has offered to purchase a portion of said property to enhance their development of approximately 270 apartment units in the 200 through 400 blocks of King Street for the appraised amount of \$180,000.00, which amount, in the opinion of the City Council is fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.122 of the City Charter, the sale of the above mentioned residual property in the amount of \$180,000.00 is hereby approved and the sale of land to Cityview Apartments, LLC is hereby authorized; and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed to convey said property.

(Signed) Florence F. Gatten

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180-06 RESOLUTION AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH SCS ENGINEERING AND FIELD SERVICE FOR THE INSTALLATION OF THE LANDFILL GAS TREATMENT SYSTEM

WHEREAS, the White Street Landfill is required to comply with the Clean Act Amendments with respect to landfill gas management by November 2006;

WHEREAS, SCS Engineering and Field Services has an existing professional service contract for the design and installation of the air emission control devices and according to 40 CFR Section 60.752 (b)(iii)(c), landfill gas must be treated prior to subsequent sale or usage;

WHEREAS, SCS Engineering and Field Services, has designed and will install a skid mounted chilling/dehydration system to remove moisture from the landfill gas prior to the pipeline transmittal to Cone Mills, with the estimated cost for said service to be \$360,000.00, which professional services, in the opinion of the City Council, are the best services from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the proposal for professional services hereinabove mentioned submitted by SCS Engineering and Field Services is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 554-6509-05.6019.

(Signed) Florence F. Gatten

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06-204 ORDINANCE AMENDING THE POLICE DEPARTMENT BUDGET TO FUND EXPENSES OF THE POLICE EXHIBIT AND CANINE VESTS

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Police Department Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Police Department General Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-3545-01.5949	Miscellaneous	\$ 1,297
101-3530-03.5235	Small Tools and Equipment	\$ 1,500
TOTAL:		\$ 2,797

And, that this increase be financed by transferring the following Revenue Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-3545-01.8620	Donations and Private Contributions	\$1,297
101-3530-03.8620	Donations and Private Contributions	\$1,500
TOTAL:		\$2,797

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Florence F. Gatten

.....

06-205 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF FEDERAL FORFEITURE FUNDS TO UPGRADE THE POLICE DEPARTMENT'S SOUTHERN OPERATIONS FACILITY

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal and other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3519-01.5235	Small Tools and Equipment	\$ 2,200
220-3519-01.5949	Miscellaneous	\$ 4,100
220-3519-01.6059	Other Capital Equipment	\$11,000
TOTAL:		\$17,300

And, that this increase be financed by increasing the following State, Federal, and Other Grants Funds accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3519-01.7104	Federal Forfeiture	<u>\$17,300</u>
TOTAL:		\$17,300

## Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Florence F. Gatten

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### 181-06 RESOLUTION LISTING LOANS AND GRANTS FOR CITY COUNCIL APPROVAL

WHEREAS, at its March 1<sup>st</sup> meeting City Council the City Manager was instructed to include on the regular Council Consent Agenda all loans and grants in excess of \$10,000;

WHEREAS, City Council approval is required for all loans and grants, or pass through loans or grants in excess of \$10,000 on the recommendation of agencies, non-profits, or other organizations acting on behalf of the City prior to the disbursement of funds;

WHEREAS, requests have been made for loans in excess of \$10,000, said requests are presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the requests for loans in excess of \$10,000 presented herewith this day are hereby approved in accordance with the guidelines set at the March 1, 2005 council meeting.

(Signed) Florence F. Gatten

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### 182-06 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2005-047 WITH J.R. LYNCH & SONS CONSTRUCTION COMPANY FOR THE SUMMIT AVENUE OUTFALL

WHEREAS, Contract No. 2005-047 with J. R. Lynch & Sons Construction Company provides for construction of the Summit Avenue Outfall to service annexed areas of the city along northeast Summit Avenue and Hicone Road @ Summit Avenue;

WHEREAS, due to the discovery of excessive quantities of rock that were encountered during construction, rock excavation quantities have been exceeded by over 250%, thereby necessitating a change order in the contract in the amount of \$135,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with J. R. Lynch & Sons Construction Company for the Summit Avenue Outfall is hereby authorized at a total cost of \$135,000, payment of said additional amount to be made from Account No. 511-7062-01.6017 Activity No. 04152.

(Signed) Florence F. Gatten

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Motion to approve minutes of regular meeting of August 15, 2006 was unanimously adopted.

.....

Mayor Holliday introduced a resolution authorizing the Redevelopment Commission to enter into an agreement with the Greensboro Housing Authority for the disposition of property located in the Willow Oaks neighborhood.

After Councilmember Groat asked to be excused from voting because her company was involved in the construction of homes at Willow Oaks, Councilmember Johnson moved to excuse Councilmember Groat from voting on this matter. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

After discussion was held with regard to the quality of homes in this development and the overall transition of the area, Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Carmany, Gatten, Holliday, Johnson, Phillips and Wells. Noes: Barber, with Councilmember Groat abstaining due to conflict of interest.

**183-06 RESOLUTION AUTHORIZING THE REDEVELOPMENT COMMISSION TO ENTER INTO AN AGREEMENT WITH THE GREENSBORO HOUSING AUTHORITY FOR THE DISPOSITION OF PROPERTY LOCATED IN THE WILLOW OAKS NEIGHBORHOOD**

WHEREAS, in September, 2002, City Council approved a Memorandum of Understanding between the City, Greensboro Housing Authority and the Redevelopment Commission that outlines the responsibilities of each entity and provides for the Housing Authority's development of single family housing units and other activities;

WHEREAS, the Redevelopment Commission owns properties within the Willow Oaks Neighborhood that are ready for disposition to the Greensboro Housing Authority for single family housing development;

WHEREAS, City staff and the Redevelopment Commission are developing documentation that assures that the Redevelopment Commission will continue to have adequate oversight of development of land purchased with federal and City redevelopment funds;

WHEREAS, at their August 22<sup>nd</sup> meeting, the Redevelopment Commission approved the sale of 87 lots to Greensboro Housing Authority for single family housing contingent on City Council approval.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Redevelopment Commission is hereby authorized to enter into an Agreement with the Greensboro Housing Authority for the disposition of property located in the Willow Oaks neighborhood.

(Signed) Yvonne J. Johnson

.....

The Mayor introduced a resolution approving bid in the amount of \$2,974,419.07 and authorizing Contract No. 2004-003 with APAC Atlantic, Inc. for the Billy "Crash" Craddock Bridge Replacement at 16<sup>th</sup> Street Project.

There being no one desiring to speak to this matter, Councilmember Wells moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: Barber.

184-06 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2004-03 WITH APAC ATLANTIC, INC. FOR THE BILLY "CRASH" CRADDOCK BRIDGE REPLACEMENT AT 16<sup>TH</sup> STREET PROJECT

WHEREAS, after due notice, bids have been received for the Billy "Crash" Craddock bridge replacement at 16<sup>th</sup> Street project;

WHEREAS, APAC Atlantic, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$2,974,419.07.00 as general contractor for Contract No. 2004-03, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by APAC Atlantic, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$2,924,448.83 from Account No. 220-6051-01.6019, Activity No. 01021 and in the amount of \$49,970.24 from Account No. 220-6051-01.6015.

(Signed) Goldie F. Wells

(A tabulation of bids for the Billy "Crash" Craddock Bridge Replacement at 16<sup>th</sup> Street Project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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The following individual spoke as a speaker from the floor:

Susan Heider, residing at 44 Brandy Court, spoke to the importance of the SCAT service to residents of Bell House and other citizens with disabilities, in opposition to the increased fares for SCAT riders, to her support of her child with disabilities, and to transportation provided by Bell House; she requested Council to seek alternatives to the fare increases.

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Stating that in October 2005 the majority of Council expressed support of the Triad Stage's efforts to improve and repair their current structure, Councilmember Johnson stated if there were funds in Council Contingency, she would move to contribute \$35,000 to Triad Stage for this work; Councilmember Gatten seconded the motion. Assistant City Manager Robert "Bob" Morgan advised there were no funds in the Contingency. Discussion was held with regard to the process used through Downtown Greensboro, Inc. (DGI) to fund these types of requests in the downtown area; some members of Council expressed the concern that Council had gone through the budget process and the opinion that this request should be made to DGI for their input and recommendations. Councilmember Gatten noted that Triad Stage was a huge economic generator with a measurable impact on downtown. Councilmember Phillips questioned that if this request had been known about for a year, why the Council hadn't received this as a part of the DGI budget process; he also stated he believed the request to DGI should come from Triad Stage, not from the City Council. Mayor Holliday agreed DGI should review rather than having requests made to Council on an independent basis.

After discussion, the Mayor stated that it appeared to be the consensus of Council to support the expenditures if DGI recommended the funding, and Councilmember Johnson withdrew her motion. The City Manager indicated he would convey this information to DGI representatives.

Richard Whittington, representing Triad Stage, stated there was no intent to go around the City's process and that he had understood from discussions in 2005 that Triad Stage should undertake to secure funding from the City. He spoke to the renovations and cost involved, noted 95% of their funding came from private funds, and advised he would seek additional funding through DGI.



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In response to an inquiry from Councilmember Johnson with regard to the manner in which a fund might be established to receive contributions from citizens, organizations, etc. and be used to pay for SCAT services for people on fixed incomes, the City Attorney advised she would have to investigate Federal guidelines and regulations. Councilmember Barber noted that SCAT services were not limited to Bell House residents, spoke to available fund pools available for Bell House residents and others, and added that government entities could not manage this type of program.

In response to an email she had received, Councilmember Johnson requested Transportation Department to determine if a three-way stop sign was warranted at 516 Woodlawn and East Lake Drive.

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Council discussed events and items of interest to the community, including but not limited to the *Big Sweep* project, community preparedness initiative, the availability of gun locks, statistics related to domestic violence, Council's registration for the upcoming North Carolina League of Municipalities in Greensboro, etc.

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Councilmember Wells moved appointment of the following individuals to the respective board/ commission. After receiving a second, the appointments were approved unanimously by voice vote of Council.

- Clinton Turner to serve a term on the Greensboro Board of Adjustment in the position formerly held by James Kee; this term will expire 15 August 2009. The motion was seconded by Councilmember Phillips.
- Johanna Cockburn to serve a term on the Community Resource Board in the position formerly held by Dianne Munden; this term will expire 15 August 2008. The motion was seconded by Councilmember Phillips.
- Luther Falls to serve a term on the Community Resource Board in the position formerly held by Annie Ratliff; this term will expire 15 August 2008. The motion was seconded by Councilmember Johnson.
- Bob Smith to serve a term on the Planning Board in the position formerly held by Julius Koonce; this term will expire 15 August 2009. The motion was seconded by Councilmember Phillips.

Councilmember Wells moved to reappoint the following individuals to the respective board/commission. After receiving a second, the reappointments were approved unanimously by voice vote of Council.

- Allen McDavid to serve an additional term on the Minimum Housing Standards Commission; this term will expire 15 August 2009. The motion was seconded by Councilmember Gatten.
- Gayland Oliver to serve an additional term on the Human Relations Commission; this term will expire 15 August 2009. The motion was seconded by Councilmember Gatten.
- Lori Galbreath to serve an additional term on the Parks and Recreation Commission; this term will expire 15 August 2009. The motion was seconded by Councilmember Johnson.
- Michael Stout to serve an additional term on the Historic Preservation Commission; this term will expire 15 August 2009.

Councilmember Wells moved to appoint Michael Stout as Chairperson of the Historic Preservation Commission. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

Councilmember Wells added the name of Margaret Robinson to the boards and commissions data bank for consideration for future service.

In response to Councilmember Wells' inquiry, the City Manager advised that a presentation with regard to the noise ordinance would be held at an upcoming briefing.

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Councilmember Barber commended Community Relations and the Police Department for providing information to be used at his upcoming neighborhood meeting.

Councilmember Barber moved to appoint Michael F. Bumpass to serve a term on the War Memorial Commission in the position formerly held by Richard “Dick” Grubar; this term will expire 15 August 2009. The motion was seconded by Councilmember Gatten and adopted unanimously by voice vote of Council.

Councilmember Barber moved to reappoint Tim Rice to serve an additional term on the War Memorial Commission; this term will expire 15 August 2009. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

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Councilmember Bellamy-Small moved to appoint Raymond Trapp to serve a term on the Minimum Housing Standards Commission in the position formerly held by Charles Assenco; this term will expire 15 August 2009. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

After Councilmember Bellamy-Small expressed concern and personal thoughts with regard the manner in which her request to reappoint Portia Shipman to the Zoning Commission had been addressed, she offered information about Ms. Shipman and her service and suggested ways the staff could assist Ms. Shipman in continuing to serve on the Commission. Lengthy discussion was held with regard to the board/commission appointment, reappointment, and removal process; difficulty securing qualified persons to serve on boards/commissions, particularly in Council District 1, due to time of meetings, other commitments, etc.; and other matters related to board and commission service.

Councilmember Bellamy-Small moved to reappoint Portia Shipman to serve an additional term on the Zoning Commission. The motion was seconded by Councilmember Johnson and DEFEATED by a 5-4 voice vote of Council.

Councilmember Bellamy-Small moved appointment of the following individuals to the respective board/commission. After receiving a second, the appointments were approved unanimously by voice vote of Council

- Cassandra K. Rogers to serve a term on the Zoning Commission in the position formerly held by Portia Shipman; this term will expire 15 August 2009. The motion was seconded by Councilmember Phillips.
- Portia Shipman to fill the unexpired portion of term of Scott Lilly, resigned, on the Redevelopment Commission; this term will expire 17 December 2008. The motion was seconded by Councilmember Johnson.

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Councilmember Phillips added the name of Thomas Sears to the boards and commissions data bank for consideration for future service on the Historic Preservation Commission.

Councilmember Phillips requested a resolution honoring the memory of Mary Louise Rucker Edmonds be added to the October 3 City Council agenda.

Noting that smaller speed bumps were being used successfully in other cities to slow traffic, Councilmember Phillips requested the Transportation Department staff to explore the feasibility of using these speed bumps to slow traffic near the courthouse, on Cornwallis Drive and at other similar locations where speeding was a problem.

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After an inquiry by Councilmember Carmany, brief discussion was held with regard to Council's plans to attend the training session on the National Incident Management System (NIMS) on September 20, 2006 at the Public Safety Training Facility.

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The Mayor added the name of Joe Wilson to the boards and commissions data bank for consideration for future service.

Mayor Holliday advised that he had appointed Ann Gainey-Pinto to serve a term on the Greensboro Housing Authority in the position formerly held by Lynn Black; this term will expire 15 June 2011. He also advised that he had reappointed Mary Moore to serve an additional term on the Greensboro Housing Authority; this term will expire 15 June 2011.

Stating that a skateboarder had recently been ticketed in the downtown area, Mayor Holliday requested that staff ensure that the public was informed that tickets were being issued for violation of Greensboro laws related to skateboarding. Discussion was also held with regard to the feasibility of posting appropriate signage with regard to skateboarding.

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Councilmember Carmany moved that the City Council adjourn. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 10:10 P.M.

KEITH A. HOLLIDAY  
MAYOR

JUANITA F. COOPER  
CITY CLERK

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